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# LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
## BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
## JUSTICE SYSTEM INTEGRITY DIVISION

JACKIE LACEY • District Attorney
JOHN K. SPILLANE • Chief Deputy District Attorney
JOSEPH P. ESPOSITO • Assistant District Attorney

SCOTT K. GOODWIN • Director




July 9, 2018

Captain Christopher Bergner
Los Angeles County Sheriff's Department
Homicide Bureau
1 Cupania Circle
Monterey Park, California 91755

Re: Officer Involved Shooting of Jesus Duran
J.S.I.D. File #16-00298
L.A.S.D. File #016-08468-0250-013

Dear Captain Bergner:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the June 11, 2016, fatal shooting of Jesus Duran by a member of the Los Angeles County Sheriff's Department. Our detailed analysis of this incident is contained in the attached memorandum.

Very truly yours,

JACKIE LACEY
District Attorney

By

SHANNON PRESBY
Head Deputy District Attorney
Justice System Integrity Division

c: Deputy Eric Chinarian, #[redacted]

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# MEMORANDUM

TO: CAPTAIN CHRISTOPHER BERGNER
Los Angeles County Sheriff's Department
Homicide Bureau
1 Cupania Circle
Monterey Park, California 91755

FROM: JUSTICE SYSTEM INTEGRITY DIVISION
Los Angeles County District Attorney's Office

SUBJECT: Officer Involved Shooting of Jesus Duran
J.S.I.D. File #16-0298
L.A.S.D. File #016-08468-0250-013

DATE: July 9, 2018

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the June 11, 2016, fatal shooting of Jesus Duran by Los Angeles County Sheriff Department (LASD) Deputy Eric Chinarian. It is our conclusion that Deputy Chinarian acted in lawful self-defense and defense of others.

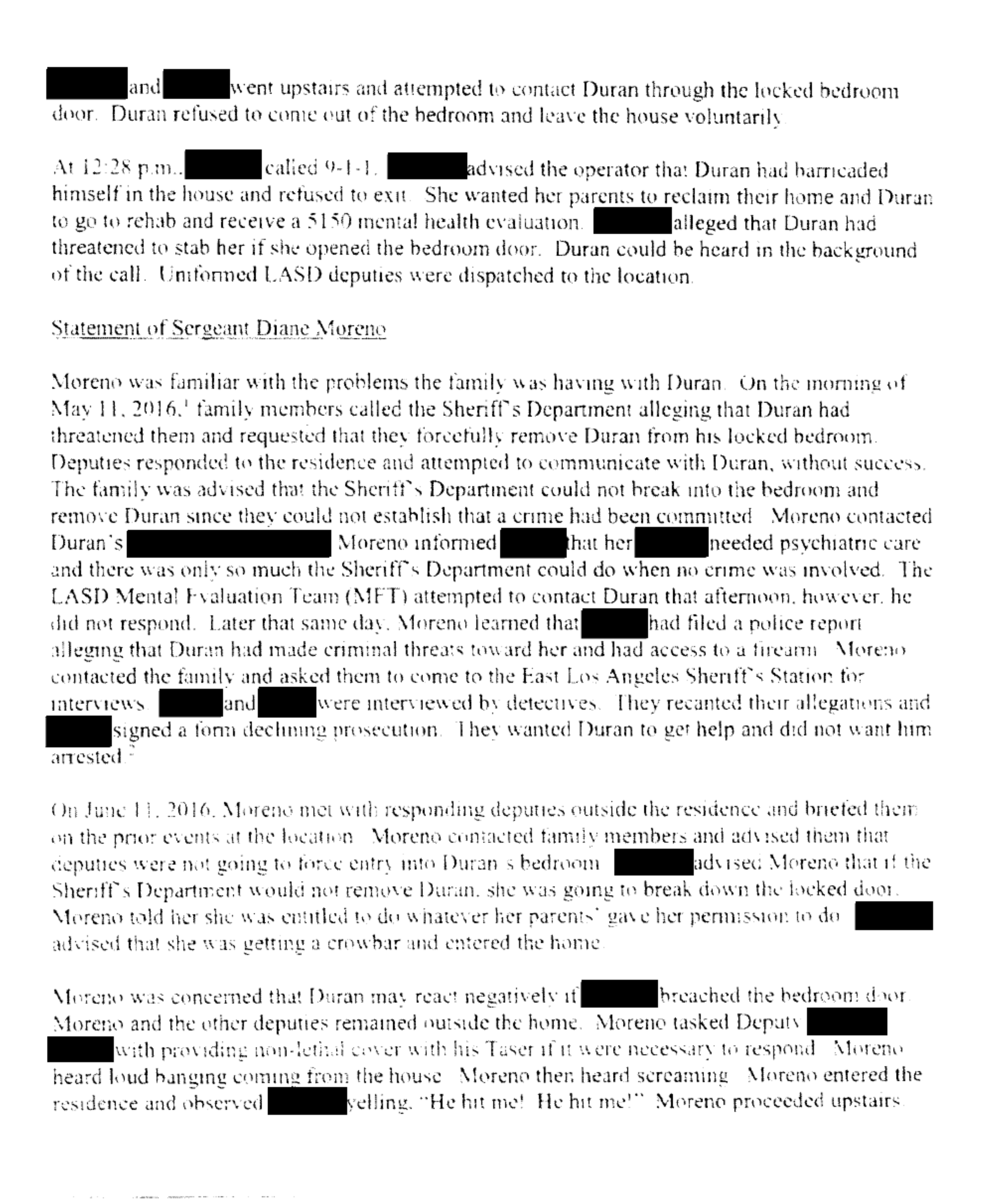
The District Attorney's Command Center was notified of the shooting on June 11, 2016, at approximately 3:55 p.m. The District Attorney Response Team responded and was given a briefing and a walk-through of the scene.

The following analysis is based on reports submitted to this office by LASD Homicide Bureau Detectives Gary Sloan and Brandt House. Deputy Chinarian provided a voluntary statement which was considered as part of this analysis.

## FACTUAL ANALYSIS

Jesus Duran resided with his [redacted] at [redacted] in the City of [redacted]. Duran was a United States Army veteran who had been medically discharged several years earlier. Duran suffered from depression and had been diagnosed with Post Traumatic Stress Disorder (PTSD). He also used methamphetamine. In May 2016, Duran barricaded himself inside his parent's home and refused to let anyone enter the house. [redacted] and [redacted] relocated to a motel. On June 11, 2016, Duran's [redacted] drove to the residence intending to remove Duran from the house and get him help with his methamphetamine use and mental health issues.

Shortly after 10:00 a.m., [redacted] and [redacted] forced entry into the house by breaking a front window. Upon entering, they observed items barricading the front door. The doorknob had been jerry-rigged with a belt, wires and screws, preventing the deadlock and front door from opening



[redacted] and [redacted] went upstairs and attempted to contact Duran through the locked bedroom door. Duran refused to come out of the bedroom and leave the house voluntarily.

At 12:28 p.m., [redacted] called 9-1-1. [redacted] advised the operator that Duran had barricaded himself in the house and refused to exit. She wanted her parents to reclaim their home and Duran to go to rehab and receive a 5150 mental health evaluation. [redacted] alleged that Duran had threatened to stab her if she opened the bedroom door. Duran could be heard in the background of the call. Uniformed LASD deputies were dispatched to the location.

Statement of Sergeant Diane Moreno

Moreno was familiar with the problems the family was having with Duran. On the morning of May 11, 2016,[1] family members called the Sheriff's Department alleging that Duran had threatened them and requested that they forcefully remove Duran from his locked bedroom. Deputies responded to the residence and attempted to communicate with Duran, without success. The family was advised that the Sheriff's Department could not break into the bedroom and remove Duran since they could not establish that a crime had been committed. Moreno contacted Duran's [redacted] Moreno informed [redacted] that her [redacted] needed psychiatric care and there was only so much the Sheriff's Department could do when no crime was involved. The LASD Mental Evaluation Team (MET) attempted to contact Duran that afternoon, however, he did not respond. Later that same day, Moreno learned that [redacted] had filed a police report alleging that Duran had made criminal threats toward her and had access to a firearm. Moreno contacted the family and asked them to come to the East Los Angeles Sheriff's Station for interviews. [redacted] and [redacted] were interviewed by detectives. They recanted their allegations and [redacted] signed a form declining prosecution. They wanted Duran to get help and did not want him arrested.[2]

On June 11, 2016, Moreno met with responding deputies outside the residence and briefed them on the prior events at the location. Moreno contacted family members and advised them that deputies were not going to force entry into Duran's bedroom. [redacted] advised Moreno that if the Sheriff's Department would not remove Duran, she was going to break down the locked door. Moreno told her she was entitled to do whatever her parents' gave her permission to do. [redacted] advised that she was getting a crowbar and entered the home.

Moreno was concerned that Duran may react negatively if [redacted] breached the bedroom door. Moreno and the other deputies remained outside the home. Moreno tasked Deputy [redacted] with providing non-lethal cover with his Taser if it were necessary to respond. Moreno heard loud banging coming from the house. Moreno then heard screaming. Moreno entered the residence and observed [redacted] yelling, "He hit me! He hit me!" Moreno proceeded upstairs.

[1] Moreno gave the date of May 1[illegible], 2016, however, a review of LASD documentation showed that the event occurred on May 11, 2016.

[2] It is unclear whether Duran threatened family members or whether the allegations were fabricated to compel LASD to forcefully extract Duran from the house. On May 14, 2016, [redacted] filed a police report alleging that Duran threatened to kill her while holding two knives. During an interview after the officer involved shooting, [redacted] admitted making up the allegations hoping that deputies would remove Duran from her parent's home.

[redacted] was the first deputy upstairs, followed by Deputy Jaime Alatorre and Moreno. Moreno observed Duran holding a spear inside the bedroom. Moreno yelled, "Tase! Tase!" as [redacted] deployed his Taser. The only effect the Taser appeared to have was angering Duran. He said something similar to, "Why did you do this? You just tased me."

[redacted] attempted to develop a rapport with Duran since [redacted] had also been in the military. Moreno requested that a Crisis Negotiation Team (CNT) respond. She also requested MET, however, they were unavailable. While awaiting CNT, [redacted] continued to talk to Duran. Duran maintained possession of the spear. Deputy Eric Chinarian replaced Alatorre in the upstairs hallway.

At some point, Moreno heard [redacted] Taser deploy a second time. It appeared to have some effect on Duran. Deputies attempted to enter the bedroom, however, the bottom half of the door remained intact. As they tried to kick the remaining door down, the Taser lost its effect on Duran. Duran turned toward the deputies with the spear. Moreno heard Chinarian fire two rounds followed by a pause then heard one additional round. Duran fell holding the spear. Moreno called for paramedics, who were already staged down the street. Fire Department personnel responded within 30 seconds and transported Duran to the hospital.[3]

Statement of Deputy [redacted]

[redacted] recognized the address when he heard the radio call on June 11, 2016. [redacted] had assisted MET when they attempted to contact Duran on May 11, 2016. Moreno briefed the deputies on the recent calls connected to the address along with Duran's mental health issues. [redacted] approached the deputies and advised them that she had driven from Las Vegas and that she was not going to leave until the problem was handled.

[redacted] wanted Duran removed from the house because her parents had been forced to live in a motel. Moreno explained that the Sheriff's Department could not assist the family in evicting Duran. [redacted] became upset and said, "I'm going to get him out myself." [redacted] and other family members entered the residence. Meanwhile, Moreno formulated a tactical plan in the event deputies had to intervene. Moreno assigned [redacted] less than lethal force and he retrieved his Taser from his patrol car.

The deputies staged outside the residence. [redacted] heard loud banging coming from inside the house. [redacted] told the deputies that [redacted] and [redacted] were trying to break down the bedroom door. Twenty to 30 minutes later, [redacted] ran to them yelling, "Help! He's hurting her!" Simultaneously, [redacted] heard a female voice screaming inside the house. [redacted] ran into the house and up the stairs. [redacted] was at the bedroom door screaming. [redacted] observed Duran pointing a homemade spear at [redacted]

The spear was fashioned from a large combat knife with a serrated edge, taped to the end of a pole. Duran was jabbing the spear toward [redacted] as if he were going to stab her. [redacted] told [redacted] to go downstairs. [redacted] pointed his Taser at Duran and ordered him to drop the spear. Duran replied, "No" and moved back several steps. Fearing Duran might throw the spear at him,

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[3] Duran was declared dead after arriving at Saint Francis Medical Center

[redacted] fired the Taser, striking Duran. Duran retreated further into the room and removed the Taser dart from his chest. Duran became agitated and asked [redacted] why he had shot him.

Alatorre began speaking with Duran, attempting to calm him. [redacted] obtained another Taser cartridge and a ballistic shield. Eventually, [redacted] returned to the bedroom doorway and held the Taser behind the shield. [redacted] began engaging Duran in conversation to build a rapport with him. [redacted] spoke to Duran about their military experience. Duran claimed to be on a secret mission. [redacted] asked when Duran last ate and slept. He told Duran they were there to help him. He repeatedly asked him to put down the spear. At one point, Duran asked [redacted] if he wanted to see a photograph of his son and became emotional when [redacted] asked about his child. At that time, Duran began inching toward [redacted] with the spear in his hands. Concerned that Duran might charge him with the spear, [redacted] fired the Taser a second time, striking him in the chest.

Duran's body began to shake and he walked backward until he rested against the east wall. [redacted] yelled, "He's down!" Chinarian began kicking the bottom half of the bedroom door that remained intact. [redacted] continued to hold down the Taser's trigger to keep Duran incapacitated. Duran suddenly lunged forward and began walking toward [redacted] and Chinarian along the foot of the bed. The spear was pointed at the deputies. [redacted] ordered Duran to drop the knife. Duran ignored [redacted] and continued advancing toward them. [redacted] feared that Duran was about to stab him. Duran was able to walk through the effects of the Taser and methodically walked toward him. Duran closed the distance so that he only had to thrust the spear forward to stab [redacted]. At that moment, [redacted] heard Chinarian fire three to five rounds at Duran. Duran fell to his knees with the spear clutched in one hand.

<u>Statement of Deputy Eric Chinarian</u>

Chinarian was familiar with the problems occurring at the residence from a prior briefing at the station and from speaking with deputies who had previously responded to the location. Moreno, [redacted] Alatorre and several other deputies, were already at the scene when he arrived. Chinarian was aware that Duran had locked himself in an upstairs bedroom and threatened to stab his [redacted] if she entered the room.

Chinarian was standing outside the residence when he heard screaming inside the house. Four to five people ran down the staircase and exited the front door. One man was holding a crowbar and another man yelled, "He hit her! He hit her!" Chinarian grabbed a ballistic shield and followed [redacted] Alatorre and Moreno upstairs. Chinarian stood behind the other deputies below the top step. He could not see the involved bedroom.

[redacted] yelled, "Drop the knife! Drop the knife!" immediately followed by the sound of a Taser being deployed. Duran screamed something Chinarian could not understand. [redacted] advised that the Taser did not appear to have an effect. Alatorre and [redacted] repeatedly ordered Duran to drop the knife. At one point, Duran said, "I'll put my knife down if you put down your gun." Alatorre attempted to engage Duran in conversation and told him the deputies were there to help him.

Moreno requested that CNT respond to the scene. [redacted] began speaking with Duran while they waited for CNT to arrive. [redacted] was still armed with a Taser and had the ballistic shield. While [redacted] was speaking with Duran about their military service, Chinarian took Alatorre's position in

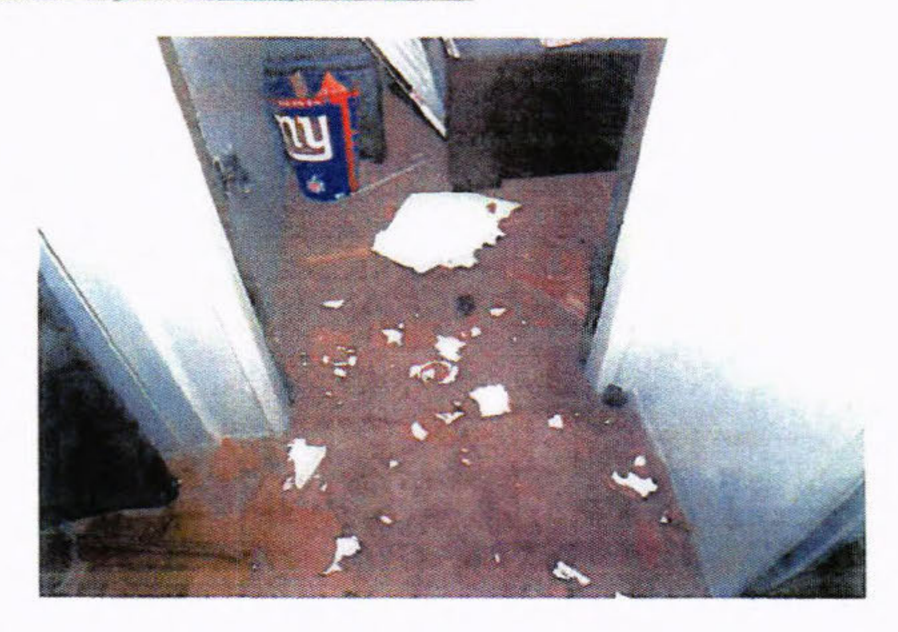
the hallway. Chinarian drew his service weapon in case lethal force was necessary. Chinarian observed the top half of the bedroom door had been broken apart. Duran was standing inside the bedroom holding a six-foot long pole with an eight-inch serrated knife attached. Duran was holding the spear in front of his body in a port arms position with the blade pointed toward the ceiling.

Duran moved from Chinarian's field of view while [redacted] continued to talk to him. Chinarian observed [redacted] raise his Taser and point it in Duran's direction. Duran became agitated and said, "You're pointing it at me again." [redacted] lowered the Taser. Moments later, [redacted] fired the Taser. Chinarian moved to the bedroom door, to the right of [redacted] Chinarian began kicking down the remainder of the door to gain access into the room. Duran was standing at the foot of bed, holding the spear in front of him while facing the bed.

Duran then turned around and took one to two steps toward the bedroom door where [redacted] and Chinarian were standing. It did not appear to Chinarian that the Taser was having any effect. Duran took another step toward the door then a half step backward. Chinarian had his firearm pointed at Duran, but hesitated to see whether the Taser would take effect

Duran took another step toward [redacted] and Chinarian and swung the tip of the spear toward them. Chinarian estimated that he was six to eight feet away from Duran at that time. [redacted] was directly to his left. Fearing that Duran was about to stab him and [redacted] Chinarian fired three rounds at Duran. Duran turned toward the bed and crouched down with the spear in one hand. Chinarian saw Duran's left shoulder turn in their direction. Fearing that Duran was attempting to swing the spear toward them again, Chinarian fired one more round. Duran stopped moving and fell at the foot of the bed.

<u>Photographs of the Upstairs Hallway and Bedroom</u>



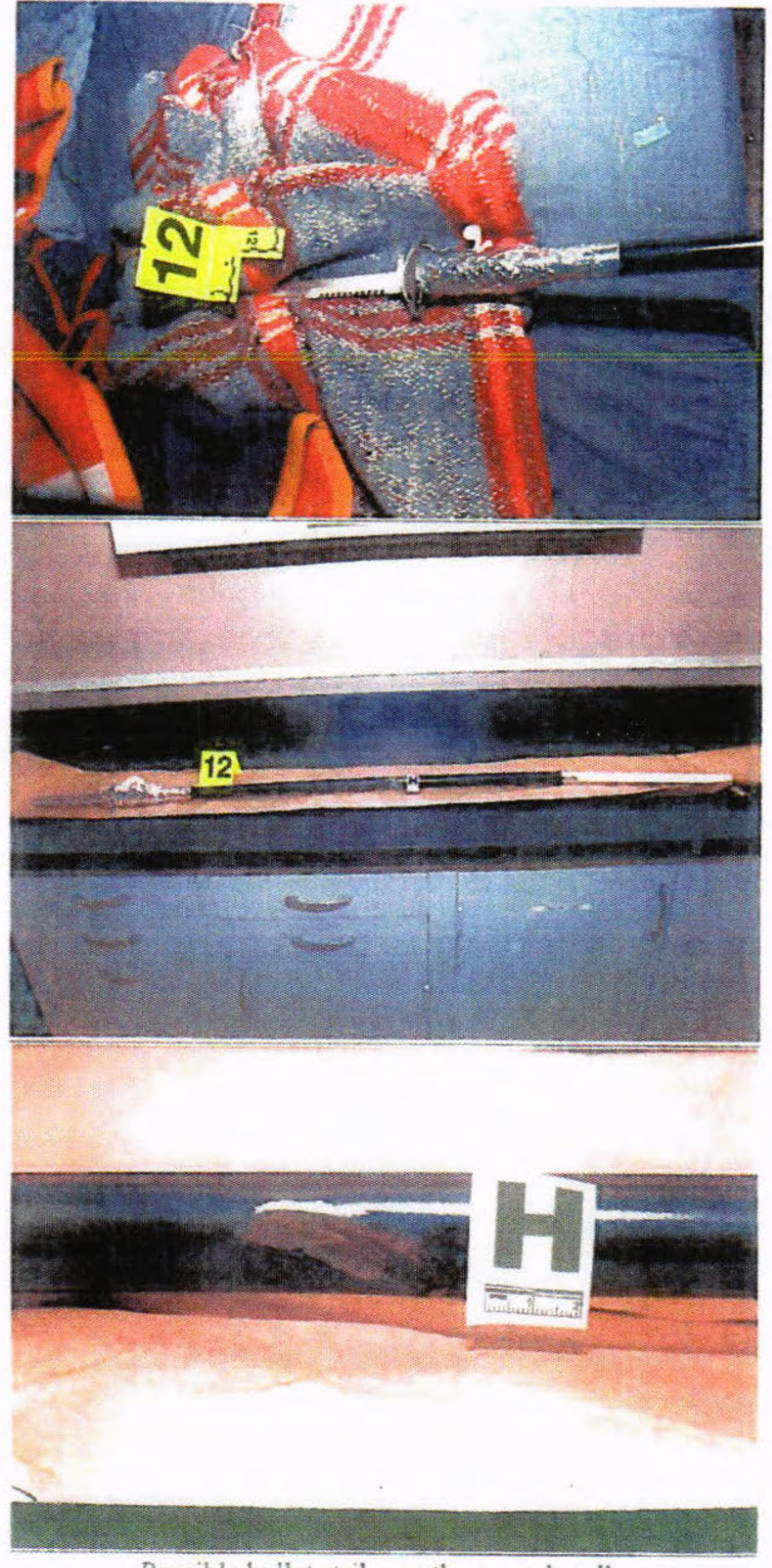


Statement of [redacted]

[redacted] went upstairs to Duran's bedroom after entering the house through the broken front window. [redacted] was with her. For two and a half hours, [redacted] and [redacted] attempted to persuade Duran to voluntarily exit the bedroom so they could get him help for his methamphetamine use and mental health issues. Duran refused. During this time, Duran threatened to stab [redacted] if she opened the door. Around 12:30 p.m., [redacted] called the Sheriff's Department. Deputies arrived at the residence and advised her that they were not going to force entry into the bedroom. Moreno said that if [redacted] wanted Duran to receive a 5150 mental health evaluation, her family would have to remove Duran from the bedroom themselves. [redacted] decided to break down the bedroom door and attempt to physically force Duran from the house.

After nearly an hour, [redacted] broke down the top of half of the bedroom door using a crowbar. During this time, Duran said things such as, "Why are you trying to hurt me?" and "Stop doing that" along with other nonsensical statements. Clothes hanging in front of the door obstructed [redacted] view into the bedroom. [redacted] sensed her brother approaching the door as she pulled down the clothes. [redacted] felt something come through the clothing in her direction. She did not see what it was at that moment. However, once the clothing was down, [redacted] observed Duran squatting in front of the bed holding a spear. [redacted] believed that Duran was only trying to scare her. Duran asked, "Why are you doing this to me?" and she replied, "Because I love you." [redacted] observed a deputy armed with a gun point a green laser toward Duran and ordered him to put the weapon down. Another deputy told her to go downstairs. [redacted] exited the residence and 30 minutes later she heard five gunshots.

Weapon




Possible bullet strike on the spear handle

Autopsy Report

Los Angeles County Deputy Medical Examiner Paul V. Gliniecki, M.D., performed a postmortem examination of Jesus Duran on June 16, 2016. Death was ascribed to multiple gunshot wound injuries. Duran sustained two gunshot wounds to his left arm and one to his chest and back. Dr. Gliniecki diagrammed the trajectory of the gunshot wounds during the autopsy.

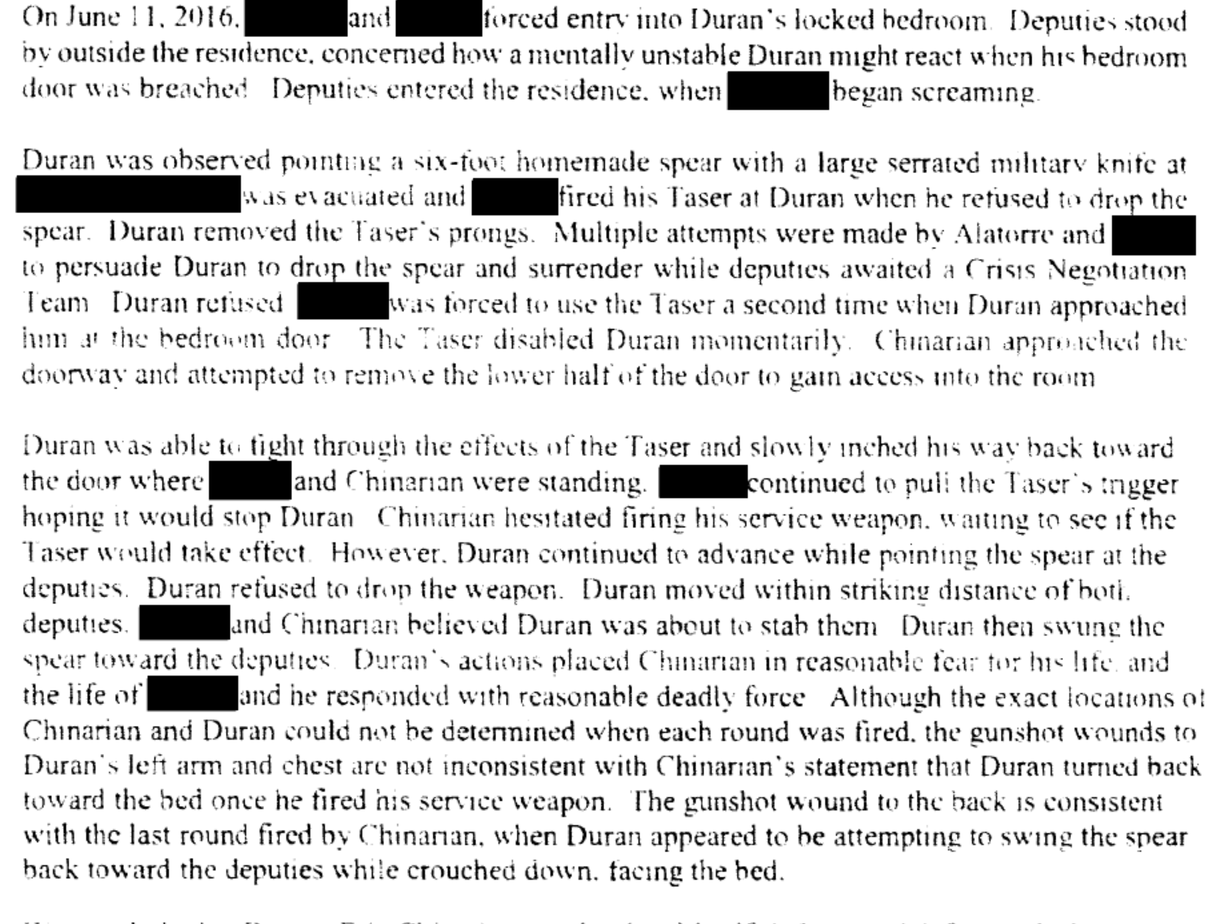
The number given to each gunshot wound in the diagram does not correspond to the order in which they were inflicted

## LEGAL ANALYSIS

The use of deadly force in self-defense or in defense of another is justifiable if the person claiming the right actually and reasonably believed the following: (1) that he or the person he was defending was in imminent danger of being killed or suffering great bodily injury; (2) that the immediate use of force was necessary to defend against that danger; and (3) that he used no more force than was reasonably necessary to defend against that danger. See. *CALCRIM No. 505.*

## CONCLUSION

The evidence examined shows that deputies encountered an Army veteran suffering from PTSD and depression, and using methamphetamine. Duran had barricaded himself inside his parent's home for a month. Repeated efforts by family members to persuade Duran to leave his locked room and seek psychiatric care proved fruitless. In their frustration, family members called the Sheriff's Department, believing that deputies could forcibly extract him from the home. When advised that the Sheriff's Department could not act unless a crime had been committed, family members filed allegations of criminal threats against Duran. The allegations were later recanted.



On June 11, 2016, [redacted] and [redacted] forced entry into Duran's locked bedroom. Deputies stood by outside the residence, concerned how a mentally unstable Duran might react when his bedroom door was breached. Deputies entered the residence, when [redacted] began screaming.

Duran was observed pointing a six-foot homemade spear with a large serrated military knife at [redacted] was evacuated and [redacted] fired his Taser at Duran when he refused to drop the spear. Duran removed the Taser's prongs. Multiple attempts were made by Alatorre and [redacted] to persuade Duran to drop the spear and surrender while deputies awaited a Crisis Negotiation Team. Duran refused. [redacted] was forced to use the Taser a second time when Duran approached him at the bedroom door. The Taser disabled Duran momentarily. Chinarian approached the doorway and attempted to remove the lower half of the door to gain access into the room.

Duran was able to fight through the effects of the Taser and slowly inched his way back toward the door where [redacted] and Chinarian were standing. [redacted] continued to pull the Taser's trigger hoping it would stop Duran. Chinarian hesitated firing his service weapon, waiting to see if the Taser would take effect. However, Duran continued to advance while pointing the spear at the deputies. Duran refused to drop the weapon. Duran moved within striking distance of both deputies. [redacted] and Chinarian believed Duran was about to stab them. Duran then swung the spear toward the deputies. Duran's actions placed Chinarian in reasonable fear for his life, and the life of [redacted] and he responded with reasonable deadly force. Although the exact locations of Chinarian and Duran could not be determined when each round was fired, the gunshot wounds to Duran's left arm and chest are not inconsistent with Chinarian's statement that Duran turned back toward the bed once he fired his service weapon. The gunshot wound to the back is consistent with the last round fired by Chinarian, when Duran appeared to be attempting to swing the spear back toward the deputies while crouched down, facing the bed.

We conclude that Deputy Eric Chinarian acted in lawful self-defense and defense of others when he used deadly force against Jesus Duran. We are therefore closing our file and will take no further action in this manner.